

To: Fire and Police Commissioners and Executive Director
From: Paul Mozina
Re: Review of Standard Operating Instruction SENSITIVE CRIMES DIVISION and other closely related SOPs and SOIs

The updates to SOI SENSITIVE CRIMES DIVISION were drafted in haste by the MPD back in late July 2020 in response to the directives issued to former MPD Chief Morales by this Board. Directive 1.e. stated:

That the Board of Fire and Police Commissioners of the City of Milwaukee, does hereby direct Milwaukee Chief of Police Alfonso Morales to perform an audit and present a Standard Operating Procedure regarding safeguarding of evidence related to sensitive crimes, as well as the privacy of complainants and potential suspects within fifteen (15) days from today's date (July 20, 2020)

Where is the MPD's audit? Have Commissioners and the Executive Director seen it?

Directive 1.e. was the FPC's response to the leaking of the video and investigatory file directly related to the recent Settlement Agreement between Jane Doe and the MPD, which includes the following in the MPD's Public Acknowledgement and Apology:

In August 2020, we submitted to the Fire & Police Commission changes to our Standard Operating Instruction to ensure evidence held at our Sensitive Crimes Division (SCD) is more securely protected. We also codified our expectation that all SCD members respect and ensure the privacy of all complainants and victims and do not release personal information without their consent or as required by law.

Commissioners, the MPD's proposed changes to SOI SENSITIVE CRIMES DIVISION are woefully inadequate as far as addressing all of the issues raised by the MPD's mishandling of Jane Doe's case. A thorough review will show that the following SOIs and SOPs are directly impacted by the requirements of the Settlement Agreement. Please review the requirements of the Settlement Agreement and **note my suggestions [highlighted]** for incorporating the language and spirit of the Agreement into the SOIs and SOPs.

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20-CV-5830 Settlement Agreement

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SOP 112 – SEXUAL ASSAULT

SOP 710 – VICTIM WITNESS RIGHTS

SOP 750 – AUDIO VIDEO RECORDING INTERVIEWS INTERROGATIONS

SOP 030 – WRITTEN DEPARTMENT DIRECTIVES

SOP 150 – COURT PROCEDURES

Plaintiff, vs.

CITY OF MILWAUKEE POLICE DEPARTMENT, ET AL.

Defendants.

SETTLEMENT AGREEMENT

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1. The Plaintiff agrees to move to dismiss the above-entitled action with prejudice subject to reopening pursuant to the terms of this Settlement Agreement. The dismissal of the case shall specifically recite that the Court retains jurisdiction to enforce the settlement.
2. In consideration of the promised conditions set forth below, the Plaintiff does hereby release and discharge the Defendants from any and all claims and causes of action regarding the alleged violations of the Plaintiff's rights as a crime victim under the laws and circumstances asserted in Plaintiff's complaint for *Jane Doe v. City of Milwaukee*, Case Number 20-CV-5830, pending in the Milwaukee County Circuit Court.
3. This release fully extinguishes all claims and causes of action related to violations alleged in Case Number 20-CV-5830 against the Defendants, including but not limited to those for: declaratory relief; compensatory damages; loss of society, companionship and consortium; punitive damages; hedonic damages; costs and fees, including attorneys' fees; statutory damage awards; and liability based upon indemnification claims.
4. The City of Milwaukee Police Department (MPD) agrees to release authority over Jane Doe's sexual assault investigation and request that it be transferred to the City of Madison Police Department. If the City of Madison Police Department declines, MPD will request that the case be transferred the Wisconsin Department of Justice Division of Criminal Investigation. If both of the proposed agencies decline the case, MPD shall notice and confer with Jane Doe on its plans for alternate transfers.

MPD will transfer all evidence, documentation, and files related to Jane Doe's investigation to the new law enforcement agency and will fully cooperate with their investigation however that agency deems necessary.

5. MPD agrees to review, develop, and modify as needed its policies and procedures regarding MPD's incorporation of and compliance with crime victims' rights under Wisconsin law. MPD shall notify Jane Doe that the following policies and procedures have been implemented within six months of the signing of this agreement. They include:

- a. MPD Sensitive Crimes Division (SCD) shall implement a secure file storage system that protects and maintains the privacy rights of reporting victims. All files, case records, and evidence shall be stored in locked cabinets to which only SCD detectives and supervisors will have keys. Anyone else seeking access must request permission and a record shall be maintained of anyone requesting files and/or evidence and the purpose of their request.
 - b. Official and unofficial interviews of sensitive crimes suspects shall never be conducted at a domestic violence shelter or any other location with a primary purpose of providing support services to victims of crime, even if that location houses the SCD.
 - c. MPD recognizes that in certain circumstances it is best practice to provide notice to a victim of a sensitive crime, thus it will implement protocols that will strive to timely effectuate these notification practices when appropriate in a case, and will document efforts to do so in the corresponding case file under the following circumstances:
 - i. When a suspect is brought in for questioning or an interview; and
 - ii. When a suspect is otherwise made aware by MPD that they are under investigation and the victim's identity has been revealed to a suspect;
 - d. Once made aware, MPD shall make reasonable efforts to immediately notify a victim of a sensitive crime when any portion of an investigating file and/or evidence has been breached or leaked to any outside entity.
 - e. All MPD personnel shall annually review the policies and procedures involving sensitive crimes, including the aforementioned changes, and the policies and procedures outlined in MPD's Memorandum of Understanding as a partner at the Sojourner Family Peace Center.
 - f. All MPD personnel shall participate in annual training on Wisconsin's constitutional and statutory rights for crime victims.
6. MPD shall issue a public acknowledgment of Jane Doe's rights under Wisconsin constitutional and statutory Chapter 950 Rights of Victims and Witnesses of Crime.

MPD will issue a public apology to Jane Doe for the impact of their mishandling of her sexual assault investigation. A copy of the agreed-upon acknowledgment and apology is attached to this settlement agreement as Exhibit A.

7. Conditioned on Jane Doe's coordination efforts, MPD chief of police, or an officer of similar authority, agrees to participate in a roundtable discussion with Jane Doe and leaders of other agencies involved in Jane Doe's investigation and reporting. The purpose of the roundtable will be to discuss the policy changes outlined above, to listen to Jane Doe's personal experience reporting her assault and the subsequent challenges she encountered through the process, and to engage with Jane Doe in a collaborative dialogue about how the agencies might improve the victim experience and avoid violations of other victim rights in the future.
8. Any party may notify the Court of any alleged breach of this Settlement Agreement. The Court shall conduct a hearing to determine if there was a breach. The Court will decide the appropriate remedy at that time.
9. This Settlement Agreement shall be interpreted in accordance with the laws of the State of Wisconsin.
10. This Settlement Agreement shall be signed by counsel for the respective parties. Counsel for the Defendants are warranting that they have the authority to enter into this Settlement Agreement on behalf of the Defendants, while counsel for the Plaintiff are warranting that they have the authority to enter into this Settlement Agreement on behalf of the Plaintiff.

11. This Settlement Agreement shall be binding upon the undersigned, their predecessors, successors, representatives, assigns, agents, and employees.

Counsel for Plaintiff.

By: Electronically Signed by Rachel E. Sattler Date: 02/02/2021
Rachel E. Sattler
State Bar No. 1069328
Legal Action of Wisconsin, Inc.

By: Electronically Signed by Rebecca M. Donaldson Date: 02/01/2021
Rebecca M. Donaldson
State Bar No. 1113629
Legal Action of Wisconsin, Inc.

By: Electronically Signed by Caitlin Kendall Noonan Date: 02/01/2021
Caitlin Kendall Noonan
State Bar No. 1088893
Legal Action of Wisconsin, Inc.

By: Electronically Signed by Erika Jacobs Petty Date: 02/01/2021
Erika Jacobs Petty
State Bar No. 1059488
Lotus Legal Clinic, Inc.

Counsel for the Defendants.

By: Electronically Signed by Katryna C. Rhodes

Date: 02/01/2021

Katryna C. Rhodes

State Bar No. 1050345

City Milwaukee Attorney's

Office

EXHIBIT A

PUBLIC ACKNOWLEDGMENT AND APOLOGY

The Milwaukee Police Department endeavors to show proper respect and provide appropriate treatment of all individuals who report being a victim or witness of crime, consistent with its mission as a law enforcement agency and with state crime victim and witness protection legislation.

In your case, we fell short and we deeply apologize for the trauma and loss of trust this caused. We also recognize that victims have rights under the law and that we have a duty to uphold these rights as we investigate crime. Under our watch, your case was leaked publicly, and you were further victimized by our failure to protect your privacy and to communicate with you effectively about the leak and the status of your case.

Thank you for coming forward. It allowed us to revisit our procedures to ensure that this does not happen again in the future. In August 2020, we submitted to the Fire & Police Commission changes to our Standard Operating Instruction to ensure evidence held at our Sensitive Crimes Division (SCD) is more securely protected. We also codified our expectation that all SCD members respect and ensure the privacy of all complainants and victims and do not release personal information without their consent or as required by law.

We are committed to doing better. Please know that your decision to seek accountability has effected real change and will help us ensure that we meet our goal to respect the privacy and dignity of all victims in the future.



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING INSTRUCTION

SENSITIVE CRIMES DIVISION

ISSUED: August 24, 2020

EFFECTIVE: August 24, 2020

REVIEWED/APPROVED BY:

Assistant Chief Regina Howard

DATE: August 3, 2020

ACTION: Amends SOI (September 17, 2018)

WILEAG STANDARD(S): NONE

I. PURPOSE

The purpose of this standard operating instruction is to provide members information regarding the responsibilities of the Milwaukee Police Department Sensitive Crimes Division.

II. POLICY

The Sensitive Crimes Division will provide a specialized and professional response in the investigation of crimes impacting the most vulnerable in the community through a survivor centered, offender focused approach.

III. DEFINITIONS

SENSITIVE CRIME

Crimes that include but are not limited to: sexual assaults, crimes against children, missing persons, and human trafficking.


IV. RESPONSIBILITIES

SOI	SENSITIVE CRIMES DIVISION	Page 2 of 2
	<p>A. The Sensitive Crimes Division (SCD) is a support unit within the Criminal Investigation Bureau of the Milwaukee Police Department designated to address the needs of the department as they relate to missing persons or criminal offenses which by their nature would be considered “sensitive” within the community.</p> <p>B. When notified of a sensitive crime or sensitive incident, the Sensitive Crimes Division shall assess each incident and designate resources as appropriate.</p> <p>C. The SCD is responsible for the case management of:</p> <ol style="list-style-type: none"> 1. Sexual Assault Investigations 2. Human Trafficking 3. Crimes Against Children 4. Critical Missing Persons / Long Term Missings 5. Sex Offender Accountability <p>D. The SCD shall liaison with the state probation and parole offices as it relates to juvenile matters and convicted sex offenders.</p> <p>E. The SCD shall liaison with the Child Abuse Review Team (CART) as it relates to child maltreatment investigations.</p> <p>F. The SCD shall liaison with the Sexual Assault Response Team (SART) as it relates to sexual assault investigations.</p> <p>G. The SCD shall ensure that all evidence related to investigations is collected and inventoried pursuant to department policies. SCD members shall ensure that <i>any systems or applications e.g., Case Track, and file storage systems both: digital on network servers, computer workstations or media storage devices; and printed copies, containing any investigative files, videos or reports related to the case, are protected from view by any person not explicitly authorized by the head of the Criminal</i></p>	

Investigation Bureau. All media storage devices such as CDs, DVDs, Thumb Drives etc., and all printed document(s) related to the case, must be properly secured in a locked area accessible only by the member actively performing the investigation and their immediate supervisor(s). ~~any media storage device(s) or printed document(s), to include any working copies, are protected from public view and properly secured in a locked area by the member responsible for the media storage device(s) or printed document(s).~~

- H. SCD members shall respect and ensure the privacy of all complainants and victims and shall not release the identity, address, or personal information of any complainant or victim without their consent except when in accordance with state law or if the victim is in danger (e.g., discovery, ~~open records request~~, Amber Alert, Green Alert, Silver Alert).
- I. SCD members shall respect and ensure the privacy of potential suspects *applying the same level of protection and security for the identity of any potential suspect(s) as that given to victims and witnesses described in G. above.* ~~in accordance with the law or if the information is in the public's interest.~~
- J. SCD members must honor all requirements in any memorandums of understand that may exist between the MPD and a domestic violence shelter (e.g., Sojourner Family Peace Center), or any other location with a primary purpose of providing support services to victims of crime, even if that location houses the SCD.

AM:mfk

	MILWAUKEE POLICE DEPARTMENT	
	STANDARD OPERATING INSTRUCTION	
	SEXUAL ASSAULT INVESTIGATIONS	
ISSUED: October 20, 2017	EFFECTIVE: October 20, 2017	REVIEWED/APPROVED BY: Assistant Chief William Jessup DATE: September 21, 2017
ACTION: Creates SOI		WILEAG STANDARD(S): NONE

I. PURPOSE

The following instructions are based on national best practices regarding sexual assault investigations. The goal of these instructions is to support law enforcement in preparing sexual assault cases for successful prosecution through detailed case documentation and thorough investigations.

II. MILWAUKEE COUNTY SEXUAL ASSAULT RESPONSE TEAM (SART)

The Milwaukee Police Department is a member of the Milwaukee County Sexual Assault Response Team (SART). This team is made up of agencies in Milwaukee County who serve sexual assault victims. SART has a protocol which formalizes interagency guidelines that prioritize victim's needs, holds offenders accountable, and promotes public safety.

III. VICTIM INTERVIEW

- A. Due to the particularly intimate and intrusive nature of sexual assault, the interview process may be difficult for the victim and the officer/detective. It is important to recognize the significance of the victim's initial contact with the first responders and investigators and how it impacts their trust in the criminal justice system. The treatment the victim receives may impact their decision to move ahead with the case.
- B. The victim's immediate priorities should be respected. Their health and safety concerns should be addressed, as well as any questions they have prior to beginning the interview.

- C. Victims may know very little about the investigative process and criminal justice system. It is important that all steps of the process are explained. This creates transparency and trust with the victim while helping to rebuild their sense of control.
- D. Victims have a right to accept or decline some/all services. A thorough investigation will still be conducted.
- E. It is essential that victims are assured by law enforcement that they will not be judged and the information they provide is taken seriously. Victims often blame themselves and must also be assured that regardless of their behavior, no one has the right to sexually assault them.
- F. In the state of Wisconsin, sexual assault victims have the right to have an advocate present with them during any part of the criminal justice process. This includes during the medical exam and police interview.
- G. Victims must be informed of their rights under the Wisconsin Basic Bill of Rights for Victims and Witnesses ([Wis. Stat. § 950.04](#)) per SOP 710 – VICTIM / WITNESS RIGHTS AND ASSISTANCE
- H. Victims must be informed that they will be contacted when a suspect is brought in for questioning or an interview; and when a suspect is otherwise made aware by MPD that they are under investigation and the victim's identity has been revealed to the suspect.
- I. Victims will be notified immediately if any portion of an investigating file and/or evidence has been breached or leaked to any outside entity.
- H. Victims should be offered the opportunity to make an audio/video recording of their statements.

IV. REPORT WRITING

- A. A high level of detail in a sexual assault report will help move a case towards successful prosecution. A thorough report will identify on scene evidence and document details from the victim's and suspect's account of the incident.
- B. Ask the victim to describe the assault, listing as many details and feelings as possible. Document the elements of the crime by asking the victim to tell you what they thought, felt and feared at the time of the

assault. What did the victim experience before during and after the assault and what did they see, smell taste, hear or touch during the incident.

- C. Fully document fear by recording all flight, fight, or freeze reactions the victim exhibited. For example, the victim may describe the feeling of being unable to move.
- D. Silence is not consent. "No" or resistance is communicated through more than just words. Detail and corroborate what "no" looked or felt like for the victim in the report (e.g., looking away, moving or positioning their body, closing their eyes).
- E. If a consensual encounter turned non-consensual, have the victim describe how the suspect's behavior changed. If threats were made, be specific and list the specific threats, the tone of voice used, and gestures.
- F. A timeline is helpful to show trauma/post assault behavior of the victim compared to behavior before the assault. For example, document physical changes such as weight loss; change of residences, sleeping with the lights on, change in work performance.
- G. Document all information provided by the victim, even if it does not cast them in a positive light. A victim who may be judged as an unreliable witness may have been chosen by the suspect for that reason.
- H. If a victim was incapacitated voluntarily by alcohol or drugs, show why this is an issue of increased vulnerability rather than culpability.
- I. Use the victim's words and do not try to sanitize or clean up what they say; this may be used against the victim or officer in court.
- J. Every effort must be made to exclude the opinions of the investigator in the written report and avoid asking leading questions. This can compromise the integrity of the investigation as well as the victim and investigator. It is normal for a victim to not remember complete details; do not fill in the blanks for them.
- K. Any and all concerns the victim may have regarding their personal safety, or that of witnesses they have referred to the Milwaukee Police Department, from retaliation by the suspect or alleged

suspect, must be documented and assistance/protection must be provided as necessary.

V. SUSPECT INTERROGATION

While investigative emphasis has historically focused on the victim's behavior, the reality of sexual assault investigations is that the suspect is often known to the victim

REDACTED

Therefore, the investigation should concentrate on gathering as much evidence as possible on the suspect, not the victim's character, behavior or credibility, BEFORE the suspect or alleged suspect is interrogated/interviewed.

Official and unofficial interviews of sensitive crimes suspects shall never be conducted at a domestic violence shelter or any other location with a primary purpose of providing support services to victims of crime, even if that location houses the SCD.

The victim's identity may NOT be revealed to the suspect, or alleged suspect without the express acknowledgement and permission of the victim.

VI. INVESTIGATION

A Strong sexual assault investigations are supported by physical evidence and do not rely solely on the victim or the perceived credibility of the victim. The overall intent of any investigation is to be fair, balanced, and thorough. This requires that investigators gather all physical and testimonial evidence BEFORE interrogating/interviewing the suspect or alleged suspect.

B. Investigators will build trust by partnering with the victim, showing respect, and remaining non-judgmental. This victim centered approach will aid the interview process and allow for as much evidence to be gathered as possible. In most cases, the suspect is familiar to the victim

so the victim may be able to provide corroborating details and evidence.

- C. Due to the nature of trauma, it is typical for a victim to not remember all of the details of a sexual assault. Using methods such as thinking out loud with the victim may assist in jogging additional memories that can aid in the investigation.
- D. It is important to identify a suspect's conduct prior to an assault. These actions may be indicative of premeditation used to select, test, and isolate a victim. In addition, there is a co-occurring nature of violence against women crimes and sexual assault may occur in the context of domestic violence, human trafficking, etc.
- E. Sexual assault cases are often portrayed as "he said/she said" when in actuality they are often "he said/they said". Sexual assault perpetrators frequently have a history of acts of sexual violence. Investigation may lead to previously unreported offenses in the suspect's social circles, as well as with current and former partners.
- F. Witness statements are very important in sexual assault cases, as victims will often confide in someone regarding the assault. Statements from these witnesses can provide powerful corroboration.

G. All evidence related to the investigation must be secured per Standard Operating Instruction SENSITIVE CRIMES DIVISION – IV RESPONSIBILITIES.G

VII. VULNERABLE POPULATIONS

Predators prey upon the vulnerabilities of others; therefore, victimization is higher among certain populations. When investigating a sexual assault, be aware of the particular issues that may face a certain population (e.g., age, culture, disabilities, gender, language) and how this may affect the way a victim makes decisions and responds to law enforcement.

Examples of vulnerable populations are:

- Senior citizens
- Minors
- Lesbian, gay, bisexual or transgender individuals
- Individuals who have previously been sexually assaulted

- Individuals with limited English proficiency
- Individuals with substance addictions
- Individuals with disabilities
- Individuals who are involved in commercial sex work
- Immigrants, both documented and undocumented

VIII. STANDARDIZED CASE CODING

A. There are three primary methods to clear a case for UCR purposes:

1. Clearance by arrest.
2. Exceptional clearance.
3. Unfounded.

B. CLEARANCE BY ARREST

Clearance by arrest requires that someone be arrested for a crime and charged with the commission of the crime and turned over to the court for prosecution. Simply putting a warrant out for a suspect does not constitute clearance by arrest. There are two exceptions to this:

1. If a juvenile is not physically arrested, but ordered into juvenile court or;
2. When a suspect agrees to surrender or appear at court at a certain date and time. This agreement has to be reached between the prosecutor, defense and suspect and is documented in writing.

C. EXCEPTIONAL CLEARANCE

Exceptional clearance occurs when elements beyond law enforcement control precludes issuing formal charges against an offender. This requires that the offender is identified and there is enough evidence to support an arrest and the offender location is known and there is a reason outside of law enforcement control that precludes the arresting, charging and prosecution of a suspect (this could be the death of the offender, the victim's refusal (inability) to cooperate after the offender has been identified, or the offenders arrest and prosecution for another crime in another jurisdiction). A case can only be cleared as exceptional if there is sufficient evidence to support probable cause. A case will not be cleared as exceptional simply because the victim fails to cooperate.

D. UNFOUNDED REPORTS

Unfounded reports are made up of both false and baseless reports. The decision to make a report unfounded can only be done by law enforcement and not by the prosecutor, court or jury. The refusal (or inability) of a victim to cooperate with police does not unfound an incident. Unfounded is synonymous with the word "unsubstantiated".


E. FALSE OFFENSES

False offenses are those that can be cleared when evidence shows that a crime was not committed or attempted; they are factually proven to have never occurred or been attempted. Evidence that the assault did not happen may be physical evidence or statements from credible witnesses that contradict key aspects of a victim's account. Reports are properly determined to be false if the evidence from the investigations

established the crime was not completed or attempted. Therefore, the complaint must be completely investigated prior to making a case false. This includes waiting for the return of DNA evidence. A false report does not include an incident in which the investigation was unable to corroborate or substantiate a crime. Law enforcement cannot label cases as false based on the reactions of the victim, but only as a result of investigative facts.

F. BASELESS OFFENSES

Baseless offenses include those that do not meet the elements of the crime or were improperly coded as a sexual assault in the first place. Individuals may report a sexual assault that was unwanted, but does not meet the elements of a sexual assault offense.

	MILWAUKEE POLICE DEPARTMENT	
	STANDARD OPERATING PROCEDURE	
	112 - SEXUAL ASSAULT	
GENERAL ORDER: 2017-54 ISSUED: October 20, 2017	EFFECTIVE: October 20, 2017	REVIEWED/APPROVED BY: Assistant Chief William Jessup DATE: September 21, 2017
ACTION: Amends General Order 2014-102 (July 31, 2014)		WILEAG STANDARD(S): 6.3.3

112.00 PURPOSE

The purpose of this standard operating procedure is to establish the department's policy, procedures and responsibilities when investigating complaints of sexual assault as described within Wis. Stat. § 940.225 and 948.

112.05 POLICY

Trauma from crime victimization may complicate a victim's participation in any investigation, including sexual assaults. This trauma may be so overwhelming that a victim cannot function well enough to assist in certain stages of the investigation. Officers and investigators play a significant role in both the victim's ability to cooperate with the investigation and to cope with the emotional and psychological effects of the crime. Therefore, it is essential that these cases be handled with a non-judgmental perspective so as not to communicate in any way that the victim is to blame for the crime. Greater victim support results in greater offender accountability.

112.10 SEXUAL ASSAULT INVESTIGATION PROCEDURE (WILEAG 6.3.3)

A. RESPONSE TO SEXUAL ASSAULT VICTIMS

1. All victims shall be treated with compassion, respect, empathy and patience while collecting required evidence and asking required questions.
2. A report of the criminal incident shall always be taken regardless of the length of time between the date of occurrence and the date the complaint is made. The victim should be offered the opportunity to make an audio/video recording of their statement.
3. Resistance by the victim of a sexual offense shall not be considered necessary in order to prove the validity of an offense. No comments shall be made regarding the victim's behavior as to providing the opportunity to be assaulted.
4. During the course of the investigation, the personal opinions of the investigator shall not be expressed to the victim whether a sexual assault occurred, nor should an opinion be documented in the subsequent police reports.
5. Members will follow SOP 710 – VICTIM / WITNESS RIGHTS AND ASSISTANCE

B. RESPONSIBILITIES OF INVESTIGATING MEMBER

1. Assess the victim's medical condition and summon medical attention. In cases of alleged strangulation the victim should be encouraged to seek medical attention for an assessment.
2. Secure the crime scene (request additional resources as needed).
3. Conduct a minimal facts interview of the victim.
4. Notify the shift commander who will notify the Sensitive Crimes Division (SCD).

5. If SCD is responding maintain the scene, they will conduct a detailed interview of the victim. If SCD is not responding, continue with responsibilities of the investigating member to include a detailed victim interview.
6. The investigating member shall facilitate victim transportation to the sexual assault treatment center for treatment of possible pregnancy, disease, injury, and collection of evidence, as well as advocacy support services. The treatment centers most often used are Aurora Sinai and Froedtert Memorial. All child victims may be conveyed to the Children's Advocacy Center (619 West Walnut Street) Monday through Friday from 8:00am-4:00pm. After hours, they shall be conveyed to Children's Hospital of Wisconsin.
7. If a victim wishes to be seen by a private physician, it is important to stress that there are dedicated sexual assault programs that have expertise in handling sexual assault cases. However, care from a private physician is permitted if the victim insists.
8. The suspect shall be conveyed to a sexual assault treatment center for evidence collection when the assault has occurred within the past 120 hours. Great care and coordination with the facility shall be taken to ensure that the victim does not encounter the suspect while he/she is receiving medical treatment. Official and unofficial interviews of sensitive crimes suspects shall never be conducted at a domestic violence shelter or any other location with a primary purpose of providing support services to victims of crime, even if that location houses the SCD.
9. If the victim has emergent medical needs they may go to the nearest facility but they will still need to proceed to the SATC for evidence collection.

Note: Victim should be encouraged to remain in the clothing worn at the time of the assault and also not to cleanse themselves in any way. In keeping with sensitivity for the victim, when one expresses the need to eliminate urine, and a vaginal or anal assault has occurred or if an oral assault has occurred and the victim wishes to drink water, smoke, or if they are making a request to wash themselves,

arrangements should be made to take the victim immediately to the Sexual Assault Treatment Center (SATC) to facilitate proper evidence collection procedures.

10. Investigating members shall notify the SCD when a felony sexual assault suspect is in custody. The SCD shall conduct the interrogation of the prisoner. The *Pedigree Form* (form PA-45A) shall be completed during the suspect interrogation and it shall be recorded using a room equipped with Taser Interview Room technology.
(WILEAG 6.3.3.3)

11. SCD members shall not conduct out of custody suspect interviews at the Sojourner Family Peace Center. The *Pedigree Form* (form PA-45A) shall be completed during the out of custody suspect interview and it shall be recorded using a room equipped with Taser Interview Room technology.
(WILEAG 6.3.3.3)

112.15 VICTIM NOTIFICATIONS

The victim should be provided with the following:

1. The *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of the initial contact;
2. VINE/VINE Link informational sheets/pamphlets that advise victims on how to register for the offender custody status notification service;
3. Form PR-3 - *Referral Memo* advising the victim of location, time, and date to appear at the district attorney's office.
4. The date, time and location of any in custody suspect interrogation or any out of custody alleged suspect interview.

112.20 INVESTIGATIVE REPORTS REQUIRED (WILEAG 6.3.3)

A. ALL CASES OF SEXUAL ASSAULT SHALL BE DOCUMENTED

1. The investigating member shall complete or obtain the following reports:
 - a. Original report in the Automated Reporting System (ARS).
 - b. Supplemental reports detailing the investigation, including the *Domestic Violence Supplement Incident Report* (form PO-15D) if the sexual assault is domestic violence related.
 - c. Arrest Report (form PA-45) when applicable.
 - d. Probable cause statement (CR-215) when applicable.
 - e. Evidence inventories when applicable.
 - f. Teletype shall be completed for suspects.
 - g. DA sheets when applicable and include in the DA charging packet:
 1. Computer Aided Dispatch (CAD) printouts.
 2. Evidence photos.
 3. Other work product such as photo arrays, 911 recording, interrogations, and body worn camera video.
2. The required reports shall include the following:
 - a. The origin of the call.
 - b. Detailed statements of victim and witnesses.

- c. Demeanor and observations of the victim, including trauma reactions.
- d. Description of the incident and detail of the investigation (observations of scene, results of canvass, video, photo array, identification of suspect).
- e. Indicate whether or not photos were taken. If so, by whom, how many, date, and location.
- f. Indicate all personnel at scene.
- g. Document supervisory notification.
- h. Document whether the victim was treated at a hospital.
- i. Describe all evidence collected.
- j. Document if evidence was sent to the Wisconsin Regional Crime Lab.
- k. Document the result of the police investigation.
(WILEAG 6.3.3.4)
- l. All evidence related to the investigation must be secured per Standard Operating Instruction SENSITIVE CRIMES DIVISION – **IV RESPONSIBILITIES.G**

112.25 PROSECUTION

The victim shall be referred to the District Attorney (DA) Sensitive Crimes Unit for review for criminal prosecution in accordance with SOP 150.05 (Court Procedures).

Note: If probable cause exists, the suspect shall be summarily arrested even if victim declines to prosecute. This includes cases where probable cause is


determined during the course of an out of custody interview with an alleged suspect.

1. The investigating member shall present the case for review at the DA's office.
2. The investigating member shall be responsible for follow up requested by the reviewing ADA and shall notify the shift commander.
3. The results of the charging conference shall be documented in a supplemental report.

Note: If the victim and suspect are both to be ordered to appear for a charging conference, order in times shall be staggered to prevent victim and suspect contact. The victim order in time shall be at least thirty minutes prior to the suspect order in time.

A handwritten signature in black ink, appearing to read "Edward A. Flynn". The signature is fluid and cursive, with a long horizontal stroke at the end.

EDWARD A. FLYNN

	MILWAUKEE POLICE DEPARTMENT	
	STANDARD OPERATING PROCEDURE 710 – VICTIM / WITNESS RIGHTS AND ASSISTANCE	
GENERAL ORDER: 2016-41 ISSUED: June 24, 2016	EFFECTIVE: June 24, 2016	REVIEWED/APPROVED BY: Director Regina Howard DATE: September 7, 2018
ACTION: Amends General Order 2014-44 (July 11, 2014)		WILEAG STANDARD(S): 14.1.1, 14.1.2

710.00 PURPOSE (WILEAG 14.1.1)

The purpose of this policy is to ensure that department personnel conduct all department operations in a manner that recognizes the rights of victims and witnesses as defined in the state of Wisconsin Basic Bill of Rights for Victims and Witnesses Wis. Stat. § 950.

710.05 POLICY (WILEAG 14.1.1)

It is the policy of the Milwaukee Police Department that all members, as mandated by the state of Wisconsin Basic Bill of Rights for Victims and Witnesses, [Wis. Stat. § 950.04](#), treat all victims and witnesses of crime with fairness, dignity, respect, courtesy, and sensitivity and in accordance with the Milwaukee Police Department [Code of Conduct \(5.00 Respect\)](#). Particular attention must be paid to insure that the victim's right to not have his or her personal identifiers (as defined in s. 85.103 (1) and including an electronic mail address) used or disclosed by a public official, employee, or agency for a purpose that is unrelated to the official responsibilities of the official, employee, or agency. As first responders, law enforcement personnel provide care and support to victims of crime as required by state and federal laws.

710.10 VICTIM AND WITNESS RIGHTS (WILEAG 14.1.2)

Members investigating a complaint, which is a crime, shall provide each victim with a copy of the *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of initial contact which includes the following:

- A. A full list of rights for victims of crimes under [Wis. Stat. § 950.04\(1v\)](#) Basic Bill of Rights for Victims and Witnesses.
(WILEAG 14.1.2.1)
- B. A full list of rights for witnesses of crimes under [Wis. Stat. § 950.04\(2w\)](#) Basic Bill of Rights for Victims and Witnesses.
(WILEAG 14.1.2.1)
- C. Additional referral information regarding services and victim/witness rights including:
 - 1. Victim/witness services may be contacted at the Milwaukee County District Attorney's Office, 821 W. State Street, Milwaukee, WI 53233, (414) 278-4667 for a complete list of rights and how to exercise them.
(WILEAG 14.1.2.7)
 - 2. Compensation may be received by contacting the Crime Victim Compensation Program at the Wisconsin Department of Justice Crime Victim Compensation Program, P.O. Box 7951, Madison, WI 53707-7951, (800) 446-6564. (WILEAG 14.1.2.2)
 - 3. The district attorney contact information to request notice of court proceedings and the opportunity to confer is 821 W. State Street, Room 615, Milwaukee, WI 53233, (414) 278-4667.
(WILEAG 14.1.2.3)
 - 4. The address and phone number of the custodial agencies include the Milwaukee County Criminal Justice Facility, 949 N. 9th Street, Milwaukee, WI

53233, (414) 226-7070 and the Vel Phillips Juvenile Justice Center, 10201 W. Watertown Plank Rd., Wauwatosa, WI 53226, (414) 257-7715 for information regarding the arrest, custody or release of a suspect.
(WILEAG 14.1.2.4, 14.1.2.5)

5. The procedure for the victim to follow if he/she is the subject of threats or intimidation arising out of cooperation with law enforcement of which he/she is a victim is to contact the Milwaukee Police Department at (414) 933-4444 or if in immediate danger to call 9-1-1.
(WILEAG 14.1.2.6)

710.15 MEMBERS RESPONSIBILITIES DURING INITIAL RESPONSE (WILEAG 14.1.2)

A. The following information shall be provided by department members to victims and witnesses:

1. A brief summary of the status of the investigation including addressing any questions and/or concerns of the victim/witness. Members shall notify the victim/witness if a suspect has been taken into custody when possible.
Members shall notify the victim of the date, time and place of any in or out of custody interview with the suspect. Members shall not release this information if it harms or interferes with an investigation.
2. Provide the victim with the *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of the initial contact. The form shall contain the investigating member's name, the incident number and date, the district or division of the investigating member, the member's shift hours, and a contact phone number for the investigating member if the victim/witness has any additional information or questions.
 - a. Provide a *Domestic Violence Referral Notice* (form PD-33) to any victim involved in domestic violence or for any individual who requests restraining order information.

- b. Provide a *Referral Memo* (form PR-3) to any victims or witnesses required to appear at the district attorney's office.
3. Advise the victim/witness of the procedures to recover any property owned by the victim/witness that is recovered during the initial investigation.
 - a. Members shall advise the victim/witness their property will be returned to them as quickly as possible in accordance with department procedures and state law.
 - b. Members shall advise the victim/witness where and when he/she can retrieve his/her property and provide him/her with a completed *Property Receipt* (form PP-33) or *Order for Property* (form PO-5), if necessary, in accordance with SOP 560 Property.
4. Explanation of the process involved in the prosecution of their case and the victim's or witness' role in the prosecution.

710.20 MEMBERS RESPONSIBILITIES DURING FOLLOW UP INVESTIGATIONS (WILEAG 14.1.2)

- A. Members shall be cognizant that a lack of information or communication about the status of an investigation can be a source of great dissatisfaction for victims and witnesses.
- B. Members conducting follow up investigations shall contact the victim/witness as soon as practical to determine whether the victim has new details concerning the investigation and relay information, when available and appropriate, relating to such matters as:
 1. If a suspect(s) has been taken into custody, or, if an in or out of custody interview with the suspect is going to take place including the date, time and location, if this information does not harm or interfere with the investigation.


2. When a suspect is otherwise made aware by MPD that they are under investigation and the victim's identity has been revealed to a suspect.
 3. Once made aware, MPD shall make reasonable efforts to immediately notify a victim of a sensitive crime when any portion of an investigating file and/or evidence has been breached or leaked to any outside entity.
 4. Court restraining or no-contact orders.
 5. An overview of the court process if a suspect has been taken into custody.
 6. Status of stolen, recovered, or removed property, and the recovery procedures for any property owned by the victim or witness if the property can be released.
 7. Possible eligibility for victim compensation.
 8. The time, date, and location of any additional requests of the victim/witness, such as being shown a photo array, attending line-ups, interviews, and other required appearances.
- C. The victim/witness should be advised that if he or she is contacted, threatened, or intimidated by the suspect or a third party, he or she should contact the department immediately. (WILEAG 14.1.2.6)
- D. Official and unofficial interviews of sensitive crimes suspects shall never be conducted at a domestic violence shelter or any other location with a primary purpose of providing support services to victims of crime, even if that location houses the SCD.
- E. The identity of the victim shall NOT be revealed to a suspect or alleged suspect without the express acknowledgement and permission of the victim.

May 27, 2021

AM:mfk



ALFONSO MORALES
CHIEF OF POLICE

	MILWAUKEE POLICE DEPARTMENT	
	STANDARD OPERATING PROCEDURE 750 - AUDIO-VIDEO RECORDED INTERVIEWS/INTERROGATIONS	
GENERAL ORDER: 2019-06 ISSUED: January 10, 2019	EFFECTIVE: January 10, 2019	REVIEWED/APPROVED BY: Director Regina Howard DATE: December 6, 2018
ACTION: Amendment to General Order 2014-90 (July 28, 2014)		WILEAG STANDARD(S): 1.7.2, 6.3.6, 6.6.4

750.00 PURPOSE (WILEAG 1.7.2)

The purpose of this policy is to establish clear guidelines on use of the digital audio-video recording system for recording custodial interrogations and forensic interviews and the associated use, management, storage and retrieval of such recordings. In addition, this policy is to assure compliance with all applicable constitutional requirements as they relate to interviews, interrogations and access to counsel.

750.05 POLICY

The use of audio-video recordings during custodial interrogations or forensic interviews is intended to enhance the investigative process and assist in the prosecution of criminal cases. The recording of custodial interrogations will assist the department in demonstrating the interrogation process, preserving the statements of the accused, and defending against claims, such as deprivation of the right to counsel and the right against self-incrimination.

This policy applies only to custodial interrogations, **out of custody suspect interviews**, or forensic interviews that are conducted in a department facility.

750.10 DEFINITIONS

A. CUSTODIAL INTERROGATION

An interrogation by a law enforcement officer of a person suspected of committing a crime from the time the suspect is or should be informed of his or her rights to counsel and to remain silent until the questioning ends, during which the officer asks a question that is reasonably likely to elicit an incriminating response and during which a reasonable person in the suspect's position would believe that he or she is in custody or otherwise deprived of his or her freedom of action in any significant way.

B. OUT OF CUSTODY INTERVIEW

An interview with an alleged suspect in a sexual assault that is conducted by a trained forensic interviewer and member of the SCD.

C. FORENSIC INTERVIEW

A video recorded interview of a **child** victim or witness that is conducted by a trained forensic interviewer.

D. RECORDED INTERVIEW / INTERROGATION ROOM

Any designated room within a department facility that is equipped with audio-video recording equipment.

E. RECAP INTERVIEW / INTERROGATION

When statements and admissions are initially made outside the presence of electronic recording equipment, members shall conduct an interview/interrogation in a recording room in order to summarize the previous statements of the subject.

750.15 PROCEDURES (WILEAG 6.3.6, 6.6.4)

A. ELECTRONIC RECORDING REQUIRED

Members shall use the digital audio-video recording system to record custodial interrogations, out of custody alleged sexual assault suspect interviews, or forensic interviews when any of the following conditions exist:

1. An adult (17 years of age or older) in custody for a felony or a misdemeanor, or an out of custody alleged suspect in a sexual assault.
2. Juveniles (under 17 years of age) shall be interviewed / interrogated regarding either a felony or misdemeanor.
(WILEAG 6.6.4.1)
3. If accommodations are available, contact with a parent or guardian during a juvenile custodial interrogation shall be at the discretion of the member.
(WILEAG 6.6.4.2)
4. Limit the number of persons present during the interview / interrogation. The duration of the interview/interrogation will be dependent upon the seriousness of the offense and the person's cognitive ability to participate in the interrogation process.
(WILEAG 6.6.4.3)
5. When a trained member of the department conducts a forensic interview, it shall be conducted in a location designated by the commander of the Sensitive Crimes Division.
6. Official and unofficial interviews of sensitive crimes suspects shall never be conducted at a domestic violence shelter or any other location with a primary purpose of providing support services to victims of crime, even if that location houses the SCD.

B. EXCEPTIONS TO THE RECORDING REQUIREMENT:

1. System is unavailable – instances where the digital audio-video recording system is unavailable (e.g., equipment malfunctions, power outage);
 2. Spontaneous statements – statements not made in response to police questioning;
 3. Routine booking questions – statements made in response to questions that are routinely asked during the arrest and booking process;
 4. Statements not required to be recorded initially – statements made in accordance with this procedure that are not required to be recorded, but are later determined to be an offense that would have required a recorded interrogation;
 5. Statements made during a custodial interrogation at another location – this includes out of state, a correctional facility, hospital, which is not equipped with recording equipment, and the reasons for using such other location is not to circumvent this policy.
 6. Suspect requests interrogation not be recorded – statements by a subject who has indicated that he/she will only participate in the interrogation if it is not recorded; or
 7. Error – the failure to record was due to inadvertent error or oversight and was not the result of intentional conduct of a member.
 8. Exigent circumstances – when information is needed immediately to ensure that further danger to the public does not result.
- C. Members conducting an interrogation, but not using the audio video system under the above exceptions should make every reasonable effort to use an audio recorder or their body worn camera (if equipped) to capture the statement.

- D. The member(s) conducting or assisting with the interview/interrogation shall be responsible for the operation of the recording device used during the interview and will monitor to ensure that the recording is not interrupted. The member accessing the digital audio-video recording system must log into the system using their authorized user name and password.
- E. Officer discretion - members are encouraged to conduct interviews and interrogations at the time when they believe the circumstances are opportune for eliciting information from a subject. This policy is not intended to discourage field interrogations (e.g., at hospitals, jails, police vehicles, other locations where recording is not practicable). In the event statements and admissions are developed outside of the recording room(s), when feasible, members should continue to conduct the interrogation in a recording room for the purposes of a recap interrogation as defined herein.
- F. Recording in entirety - to maximize the effectiveness of electronic recording and the integrity of audio-video documentation, members shall adhere to the following:
 - 1. Interviews/interrogations shall be recorded in its entirety.
 - 2. The recording shall begin before the person is read their Miranda warnings.
 - 3. During short periods when the interview is interrupted, such as when the person needs to use the restroom, the recording should continue.
 - 4. At the conclusion of the interview/interrogation, the member/s conducting the interview shall deactivate the recording equipment immediately upon the exit of parties from the interview room.

Note: Nothing in this policy prohibits the use of electronic recording equipment for any other interview/interrogation at the discretion of the member.

750.20 INTERVIEW / INTERROGATION (WILEAG 6.3.6)

A. INTERVIEW / INTERROGATION PREPARATIONS

1. Ensure that the person being interviewed/interrogated is positioned in a way that their voice will be audible on the recording.
2. Members should ensure that questions and statements that are inaudible are repeated or clarified during the recorded interview/interrogation.
3. The member conducting the interview/interrogation is not required to inform the subject that he/she is being recorded and is not required to discuss the topic of recording unless the subject asks whether the interview/interrogation is being recorded.
4. Attorney consultations - the recording shall be continuous and uninterrupted during the interview/interrogation process, unless the person interviewed/interrogated and their attorney elects to confer privately. In such cases, the member responsible for the recording shall advise the attorney of the use of recording equipment, and offer: to deactivate the audio, provide an alternate room for the conference, or to turn off the recording equipment during the conference between the attorney and the subject. If there is an interruption in the recording in order to accommodate the subject and attorney, note the date and time prior to stopping the equipment and re-state the date and time when the equipment is again turned on.
5. Eavesdropping – at no time will the system be used to record the conversation of another member(s) without the consent of all parties. This does not prohibit another member of the department from monitoring interviews/interrogations conducted in accordance with this SOP.
6. If the person interrogated has previously indicated they wished to have an attorney present, but later request to make a statement without an attorney, the member conducting the interrogation should confirm this during the recorded interrogation.

B. POST INTERVIEW / INTERROGATION

The member(s) conducting the interview/interrogation should:

1. Transfer the recording only to new and unused DVD's. Storage, either directly or indirectly to other medium such as flash drives, external hard drives, etc., is strictly forbidden.
2. DVD's of the interrogation can be created and provided only to the prosecutor and/or the defense attorney as part of the discovery process or to an outside law enforcement agency with the approval of a supervisor.
3. Rewritable discs – the department will not use rewritable discs for dissemination.
4. Written statement required – in all audio-video recorded interviews/interrogations, the member conducting the interview/interrogation shall submit a supplemental incident report, which summarizes the interrogation. This supplemental report shall include:
 - a. The date and time the interview began.
 - b. The location of the interview.
 - c. The names of all individuals present.
 - d. A synopsis of the statement provided, to include documentation that the person remained silent, asked not to make a statement, or requested an attorney.
 - e. A synopsis of the pedigree information from the *Arrest Report Supplement* (form PA-45A) to include documentation if the person did not answer any pedigree questions.

- f. The time and duration of all breaks or interruptions, such as to use the restroom or eat.
- g. If any food or beverage was provided to the person (e.g., chips, sandwiches, soda).
- h. The date and time the interview/interrogation concluded.

750.25 EVIDENCE AND EQUIPMENT

A. PRESERVATION OF EVIDENCE AND DISCOVERY REQUESTS

- 1. No person shall alter the original electronic recording media.
- 2. All data and media associated with the recorded interview/interrogation are the property of the Milwaukee Police Department and dissemination outside of the department or prosecutor's office is prohibited unless specifically authorized by a captain or above or the Open Records Division.
- 3. Requests for copies of recordings other than those provided to the prosecutor or defense counsel must be made through the Open Records Division.
- 4. Retention: original recordings of interviews/interrogations are considered evidence and shall be handled and retained in accordance with SOP 560-Property.
- 5. Members who are not involved with the case, but wish to view a recorded interview/interrogation must submit a request in the form of a *Department Memorandum* (form PM-9E) to their commanding officer for approval.
- 6. Members seeking to view and/or use electronic recordings for training purposes must submit a request in the form of a *Department Memorandum* (form PM-9E) to their commanding officer for approval.


7. All evidence related to the investigation must be secured per Standard Operating Instruction SENSITIVE CRIMES DIVISION – **IV RESPONSIBILITIES.G**

B. MAINTENANCE OF EQUIPMENT

1. The Information Technology Division shall be responsible for maintaining the electronic recording equipment. Each respective work location will ensure that there is an adequate supply of DVDs available at all times.
2. In the event the equipment requires service or repair, promptly notify the Information Technology Division Help Desk.



ALFONSO MORALES
CHIEF OF POLICE

	MILWAUKEE POLICE DEPARTMENT	
	STANDARD OPERATING PROCEDURE 030 – WRITTEN DEPARTMENT DIRECTIVES	
GENERAL ORDER: 2018-20 ISSUED: May 22, 2018	EFFECTIVE: May 22, 2018	REVIEWED/APPROVED BY: Director Regina Howard DATE: May 7, 2018
ACTION: Amends General Order 2016-01 (January 28, 2016)		WILEAG STANDARD(S): 1.4.4

030.00 PURPOSE

To create a standard operating procedure for the proper preparation, communication, review, dissemination, cancellation, and archival of written directives to include standard operating instructions within the department.

030.05 WRITTEN DEPARTMENT DIRECTIVES (WILEAG 1.4.4)

Department-wide written directives must be endorsed by competent authority as prescribed within this policy. Endorsed written directives intended for department-wide communication shall be forwarded through the chain of command to OMAP (Office of Management, Analysis, and Planning) for review, formatting, and internal and external publication. The Chief of Police or designee retains the authority to issue, modify, or approve all written department directives.
 (WILEAG 1.4.4.1, 1.4.4.2, 1.4.4.3)

A. GENERAL ORDERS

1. General orders are those orders that establish or revise the department's organization, policies or procedures, and Code of Conduct. Only a general order shall create, amend, or rescind any Milwaukee Police Department standard operating procedures, **Standard Operating Instruction** or Code of Conduct.
2. General orders shall be promulgated only by the Chief of Police or designee. (WILEAG 1.4.4.2)
3. General orders shall be read in their entirety at all roll calls for a period of 72 hours from the effective date.

B. PERSONNEL ORDERS

1. Personnel orders are those orders that specifically implement changes in personnel status such as assignments, transfers, suspensions, discharges, promotions, and department commendations.
2. Personnel orders shall be promulgated only by the Chief of Police or designee.
3. Personnel orders relating to disciplinary action (district level reprimand, official reprimand, suspension, termination, discharge, and modifications, corrections, and rescissions of disciplinary action) shall only be provided to the affected member, member's commanding officer, member's labor union, Fire and Police Commission, and Internal Affairs Division.

C. OFFICIAL MEMORANDUMS

1. Official memorandums provide members with information or instruction related to their employment, assignment, or duties.
2. Official memorandums provide members with information regarding the announcement and/or scheduling of training programs.

3. Official memorandums shall be promulgated on departmental letterhead and only by the Chief of Police or designee.
4. Official memorandums shall be read in their entirety at all roll calls for a period of 72 hours from the effective date.

D. DEPARTMENT MEMORANDUMS

1. *Department Memorandums* (form PM-9E) provide members with information or instruction related to their employment, assignment, or duties.
2. *Department Memorandums* should generally be promulgated on a department-wide basis by commanding officers, provided that such information pertains to their area(s) of responsibility. Civilian managers may also communicate information on a department-wide basis pertaining to their area(s) of responsibility.
3. *Department Memorandums* shall not be numbered. Commanding officers and civilian managers shall use form PM-9E when authoring department-wide memorandums. They shall contain a date of issue, the identification of the issuing member, the identification of whom the memorandum is intended for, a subject or topic description, and the information or instruction to follow. The issuing member shall approve the memorandum by placing their initials next to their name.
4. *Department Memorandums* shall be read in their entirety at all roll calls for a period of 72 hours from the effective date.
5. The aforementioned procedures apply to memorandums meant for department-wide publication. In all other instances, department members may communicate in writing to their peers, supervisors, subordinates, or commanding officer by using form PM9E. When doing so, they shall ensure that, at a minimum, their name, title/rank, employee ID number, and work location are included in the closing of the communication, below their

signature. Department members may also communicate informal information or messages by using form PM-11 (yellow half sheet).

E. TRAINING BULLETINS

1. Training bulletins shall be prepared by the Training Division as directed by the Chief of Police on matters related to training. In the absence of other instructions to the contrary, the information contained in training bulletins constitutes the official departmental position on the subject matter under consideration.
2. Training bulletins shall be read at all roll calls for police members for a period of 72 hours.
3. Members who have any questions regarding these bulletins shall contact a supervisor for clarification.

F. MEMORANDUMS OF UNDERSTANDING

1. Memorandums of Understanding are those agreements reached between the Milwaukee Police Department and any external partner whether federal, state, county, city or community.
2. Memorandums of Understanding shall be read at all roll calls for police members for a period of 72 hours.
3. Members who have any questions regarding these Memorandums of Understanding shall contact a supervisor for clarification.

030.10 NUMBER SEQUENCE AND RETENTION

A. NUMBER SEQUENCE

1. General orders, personnel orders, and official memorandums shall be numbered consecutively beginning with January 1st of each year. The numbers shall consist of the directive type, year of issue, and sequence number (e.g., Memorandum 2008-01, Memorandum 2008-02). The Human Resources Division shall maintain the sequence numbers.
2. Training bulletins shall be numbered consecutively beginning with January 1st of each year (e.g., 2008-01, 2008-02). The Training Division shall maintain the sequence numbers for training bulletins.

B. RETENTION

1. Original (hard copy) general orders, personnel orders, official memorandums, *Department Memorandums* and *Memorandums of Understanding* shall be permanently retained by the Office of Management, Analysis, and Planning and Human Resources Division.
2. Original (hard copy) training bulletins shall be retained by the Training Division in accordance with existing retention schedules.

030.15 PUBLICATION AND MAINTENANCE (WILEAG 1.4.4)

A. OFFICE OF MANAGEMENT, ANALYSIS, AND PLANNING RESPONSIBILITIES

The Office of Management, Analysis, and Planning shall:

1. Publish for dissemination, a digital copy of all written directives, within the “Daily Roll Call Calendar” link of the directives intranet.
(WILEAG 1.4.4.5)
2. Archive all such written directives to the directives intranet for reference.
(WILEAG 1.4.4.5)

3. Archive the hard copy of all written publications as prescribed in the retention schedule.
4. Be responsible for the dissemination of external publications (other city departments, labor associations, etc.).
(WILEAG 1.4.4.3)
5. Update and maintain the directives intranet.
6. At minimum, review all standard operating procedures and standard operating instructions on a triennial interval from the effective or reviewed/approved by date to ensure all SOP's and SOI's remain current and to determine if any revisions shall be made to the respective SOP or SOI.

Note: SOP 660 Vehicle Pursuits and Emergency Vehicle Operations shall be reviewed by June 30th of each even-numbered year and SOP 240 Eyewitness Identification Procedures shall be reviewed biennially.

- a. Upon completion of a scheduled review that does not result in changes, an OMAP supervisor shall prepare a new version of the SOP or SOI and forward it through the chain of command to the Police, Planning, and Policy Director for review and approval. Upon approval of the Police, Planning, and Policy Director, an OMAP supervisor shall prepare an updated version of the SOP or SOI containing the reviewed/approved by date by the Police, Planning, and Policy Director and publish it pursuant to this section.
- b. Upon completion of a scheduled review that results in changes, an OMAP supervisor shall prepare a new version of the standard operating procedure pursuant to 030.30(B) or standard operating instruction pursuant to 030.35(B). (WILEAG 1.4.4.6)

B. COMMANDING OFFICER RESPONSIBILITIES

The commanding officer (or designee) of each work location shall:

1. Access the “Daily Roll Call Calendar” link of the directives intranet each day (excluding weekends and holidays) to determine whether any written directives have been published.
2. Print and place all newly published written directives on the “roll call board” at their work location.
3. Ensure that roll call information is communicated to all members at their work location.
4. Take those steps necessary to ensure that all members under their command are familiar with the content of all written directives.
5. Maintain a complete copy of the department’s standard operating procedures, **standard operating instructions** and Code of Conduct in either printed or electronic form (CD/DVD) in the event of an intranet or network failure. This backup copy will serve as a reference for the work location in the event of any extended intranet or network outage. The backup copy should be periodically updated as needed (at least quarterly).

C. MEMBER’S RESPONSIBILITIES

1. Department members are reminded of their responsibility to familiarize themselves with all provisions of the department’s Code of Conduct and standard operating procedures/instructions/guidelines that deal specifically or generally with the duties of their rank, grade, or position within 30 days of issuance thereof.
2. Department members are encouraged to reference written directives via the directives intranet in addition to attending roll call. Members may print any such directives to aid their familiarization or to allow future reference.

3. Department members absent from duty for more than 72 hours, but less than 30 days shall reference their work location's 30-day roll call board to familiarize themselves with any written directives promulgated during such absence.
4. Department members absent from duty longer than 30 days and who are not temporarily assigned to the Training Division for remedial training shall access the directives intranet to familiarize themselves with any written directives promulgated during such absence.
5. Department members with questions regarding any written directives shall consult their immediate supervisor for clarification.

D. TRAINING DIVISION RESPONSIBILITIES

The commanding officer of the Training Division (or designee) shall:

1. Ensure that the Training Division maintains an adequate supply of the department's standard operating procedures and Code of Conduct in printed form for temporary issuance to recruit officers during their training.
(WILEAG 1.4.4.5)
2. In addition to providing recruit officers with a printed copy of the department's standard operating procedures and Code of Conduct, the Training Division may provide recruit officers with a digital copy for ease of reference outside of the classroom environment.
3. Ensure that each recruit officer returns his or her printed materials at the conclusion of recruit training.

Note: Upon graduating from the academy, officers shall reference standard operating procedures, Code of Conduct, and other department directives by use of the directives intranet.

030.20 ROLL CALL INFORMATION PROCEDURES

- A. Roll call information shall include written department directives as well as information pertaining to particular work locations. This information shall be kept on a "roll call board" at all work locations for a minimum of 72 hours.
- B. On-duty supervisors shall ensure that this information is presented to those members who normally attend roll call, but who were unable to be present at the designated roll call time.
- C. A shift commander or higher authority shall approve the placement of items on the "roll call board" by affixing the work location stamp and his/her rank and signature on the roll call item.

Note: Written department directives, e.g., general orders, personnel orders, official memorandums, *Department Memorandums* or *Memorandums of Understanding* issued by a captain or higher authority do not require supervisory approval for placement on the "roll call board."

- D. At district stations, the "roll call board" shall remain in the shift commander's office when not in use. At all other work locations, the "roll call board" shall be secured in an area designated by the commanding officer of the work location. It shall not be removed except for roll calls or with the permission of a supervisory officer. Department members other than supervisors shall not be allowed access to the roll call board except in the presence of a supervisor.
- E. After an item has been on the "roll call board" for a minimum of 72 hours, it shall be retained at the work location for at least 30 days. These items shall be kept on a separate "roll call board" or binder and available for review by members returning from extended absences or vacation, under the restrictions prescribed in the above paragraph.

030.25 TOPIC ACKNOWLEDGEMENTS (WILEAG 1.4.4)

- A. The department regularly communicates with its members through roll call videos, SOP updates, training updates, and other important documents. Many times the dissemination of this information requires documentation. In these instances, the Continued Education & Request Travel/Training (CERTT) web application titled “Topic Acknowledgements” will be used.
- B. When information or material is released that has been deemed by the department as requiring member acknowledgement, the “Topic Acknowledgement” section will populate with the topic and other pertinent information to be acknowledged. After a member has received the information/material in its designated format, the member will enter the CERTT record involved and click the “Acknowledged” check box and save the record. Members shall be required to read, acknowledge receipt of, and understand all new and revised written directives. This will serve as proof of acknowledgement for any required material.
(WILEAG 1.4.4.5)

030.30 STANDARD OPERATING PROCEDURES (SOP) (WILEAG 1.4.4)

A. PURPOSE

To create procedures for department operations in an effort to guide members in the performance of their duties in conformity with department objectives.
(WILEAG 1.4.4.4)

B. DEVELOPMENT

1. The maintenance of the department’s standard operating procedures is assigned to the Office of Management, Analysis, and Planning. In coordination with the affected divisions, OMAP shall be responsible for organization, review, revision, update, and purging of the department’s SOPs on a continual basis per SOP 030.15(A).

(WILEAG 1.4.4.3)

2. Development and refinement of SOPs shall be coordinated by OMAP. OMAP supervisors shall create or update SOPs in accordance with existing departmental policy, accreditation standards, all federal and state laws, city ordinances, as well as the most recent union contracts and/or memorandums of understanding.
3. OMAP supervisors shall consult and share draft SOPs with the commanding officer of any affected divisions and subject matter experts when refining or creating SOPs to ensure any additions or revisions reflect best practices for the accomplishment of organizational and division operations, duties, and responsibilities.
4. Finalized draft SOPs created by OMAP supervisors shall be forwarded through the chain of command to the Police, Planning, and Policy Director for review.
5. The Police, Planning, and Policy Director shall review the finalized draft SOP and forward it to the executive staff for review.
6. An OMAP supervisor shall prepare the SOP for the Chief of Police's signature once the finalized draft has been approved by the Chief of Police.
7. Upon receipt of the signed copy of the SOP by the Chief of Police, a general order number shall be obtained from the Human Resources Division by an OMAP supervisor.
8. Upon receipt of the general order number, an OMAP supervisor shall place the issued and effective date within the SOP. The effective date can be delayed from the issued date for new SOPs or revised SOPs that are preceded with a *Department Memorandum*.
9. An OMAP supervisor shall forward a copy of the SOP to the executive director of the Fire and Police Commission (FPC) via email in accordance with FPC rules.

10. An OMAP supervisor shall publish a roll call and approved version of the SOP with the Chief of Police's signature pursuant to 030.15(A). (WILEAG 1.4.4.3 and 1.4.4.4)

C. FORMAT

Standard operating procedures shall contain the following information:

1. The SOP shall include the "Milwaukee Police Department" on the top of the first page of the SOP.
2. The SOP number and subject identifying the sequential placement of the SOP.
3. The general order number for the SOP.
4. The issued date of the SOP.
5. The effective date of the SOP, which shall indicate the date the SOP shall be placed in force.
6. The reviewed/approved by date, which is the date the SOP was reviewed and approved by the Police, Planning, and Policy Director.
7. The action of the SOP, which shall be used to designate the creation of a new SOP or the amendment of an existing SOP.
8. The Wisconsin Law Enforcement Accreditation Group (WILEAG) standard(s) that the respective SOP references.
9. The purpose of the standard operating procedure, which shall be a statement describing why the SOP was created and what it is attempting to relate.

10. If necessary, definitions will be used to define new or unfamiliar words. This includes new, uncommon, or unusual terms, expressions, or phrases used in law or not generally used in the police profession.
11. Procedures will be included in each SOP to the degree necessary to provide department members with sufficient guidance to carry out the policy in accordance with departmental standards. Procedures provide a method for performing an operation or means for proceeding on a course of action.
12. The signature of the Chief of Police or designee indicating final approval of the SOP shall be placed at the end of the respective SOP.
(WILEAG 1.4.4.3)

030.35 STANDARD OPERATING INSTRUCTION (SOI) (WILEAG 1.4.4)

A. PURPOSE

1. To create a protocol for Standard Operating Instructions (SOI), that shall outline procedure and provide guidance:
 - To members assigned to specialized units.
 - For divisions, work locations, and units that require specialized training or knowledge.
 - Regarding the operation of specific equipment, vehicles, or technology.
2. Standard operating instructions are intended to supplement standard operating procedures, providing detailed working instructions that do not ordinarily apply to members of the department outside of those described in subsection A.
3. Department members who are assigned to specialized units, and members who operate specific equipment, vehicles, or technology for which an SOI exists shall familiarize themselves with the standard operating instructions and shall treat them as standing orders from an officer of higher rank.

4. Standard operating instructions shall be issued and signed by the assistant chief or inspector of the bureau to which the specialized unit, equipment, or technology is attached. No changes shall be made to an SOI without the knowledge and approval of the assistant chief or inspector.
(WILEAG 1.4.4.2)

B. DEVELOPMENT AND DISSEMINATION

1. Division and unit commanders under the direction of the assistant chief or inspector will be responsible for the content of all written directives and standards that apply to their areas of responsibility. Commanders shall determine and approve the content of standard operating instructions that apply to their work locations, careful to ensure that they do not contradict other department directives, standard operating procedures, or the Code of Conduct.
2. The development of standard operating instructions should consider policies and procedures specific to a unit or function that are essential to the performance of specialized duties or the accomplishment of specific tasks, but are not enumerated in standard operating procedures.
3. Upon completion of new or revised standard operating instructions, commanders shall ensure that the draft is transmitted to Office of Management, Analysis, and Planning for a review of the content and formatting. The Office of Management, Analysis, and Planning shall then forward the SOI to the appropriate assistant chief or inspector for review and approval.
(WILEAG 1.4.4.4)
4. An OMAP supervisor shall forward a copy of the SOI to the executive director of the Fire and Police Commission via email in accordance with FPC rules.
5. An OMAP supervisor shall publish a roll call and approved version of the SOI with

the respective assistant chief's or inspector's signature pursuant to 030.15(A).

6. Commanding officers shall review standard operating instructions regularly for necessary changes, and to comply with revisions to SOP, department directives, legal updates, and law enforcement best practices.


C. RETENTION

1. Division and unit commanders may distribute either hard copies or electronic copies of standard operating instructions to their unit employees, and shall ensure that copies are backed up by electronic media on their work location drives or intranet site(s) and are accessible to all members under their command. (WILEAG 1.4.4.5)
2. The Office of Management, Analysis, and Planning through the directives intranet, shall be the central repository for standard operating instructions.



ALFONSO MORALES
CHIEF OF POLICE

AM:mfk

	MILWAUKEE POLICE DEPARTMENT	
	STANDARD OPERATING PROCEDURE	
	150 – COURT PROCEDURES	
GENERAL ORDER: 2017-36 ISSUED: June 2, 2017	EFFECTIVE: June 2, 2017	REVIEWED/APPROVED BY: Assistant Chief Carianne Yerkes DATE: May 16, 2017
ACTION: Amends General Order 2016-22 (April 7, 2016)		WILEAG STANDARD(S): 1.7.5, 10.1.10

F. PROCEDURE FOR PROSECUTOR REQUESTS FOR FOLLOW-UP

The following procedures shall be followed by members when items of follow-up are identified by the prosecutor either during the initial review or after charges have been issued.

1. When a member presents a case and the prosecutor identifies items of follow-up, the investigating member(s), **and their shift commander**, will receive an email from the district attorney's office or CAS through the DA Help system with the requested **REDACTED** follow up.
2. The investigating member(s) shall complete the requested follow up as soon as possible and reply via email to all persons listed in the original request from the DA Help system. **If the case is assigned, even temporarily, to another member, the shift commander will forward the email of follow-up items to the newly assigned investigating member and review the status of the follow-up items with them.**
3. If a member has any concerns over whether the task should be performed, they should direct those concerns to their shift commander.